

## OVERVIEW

The Disaster Mitigation Act of 2000 (DMA 2000) (P.L. 106-390) provides an opportunity for States, Tribes, and local governments to take a new and revitalized approach to mitigation planning. DMA 2000 amended the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Act) by repealing the previous Mitigation Planning section (409) and replacing it with a new Mitigation Planning section (322). This new section emphasizes the need for State, Tribal, and local entities to closely coordinate mitigation planning and implementation efforts. It continues the requirement for a State mitigation plan as a condition of disaster assistance, and creates incentives for increased coordination and integration of mitigation activities at the State level through the establishment of requirements for two different levels of State plans: “Standard” and “Enhanced.” States that demonstrate an increased commitment to comprehensive mitigation planning and implementation through the development of an approved Enhanced State Plan can increase the amount of funding available through the Hazard Mitigation Grant Program (HMGP). Section 322 also established a new requirement for Local Mitigation Plans, and authorized up to 7% of HMGP funds available to a State to be used for development of State, Tribal, and Local Mitigation Plans.

To implement the DMA 2000 planning requirements, FEMA published an Interim Final Rule (**the Rule**) in the Federal Register on February 26, 2002. This Rule (44 CFR Part 201) established the mitigation planning requirements for States, Tribes, and local communities. Normally FEMA publishes a proposed rule for public comment before publishing a final rule. This process can result in a lengthy comment and response period, during which the proposed rule is not legally effective or enforceable. Because certain types of Stafford Act assistance are conditioned on having an approved mitigation plan, FEMA wanted to publish an effective rule providing the DMA 2000 planning requirements in order to position State and local governments to receive these mitigation funds as soon as possible.

Even though it is an Interim Final Rule, FEMA will still publish a proposed rule for public comment, to be followed eventually by a final rule. FEMA is assessing the utility and practicality of these interim final requirements based on the experience of States, Tribes, and local governments, and will draw on this experience in preparing the future Proposed and Final Rules for Mitigation Planning. Until then, the Rule serves as the governing set of requirements for DMA 2000 planning implementation.

### ***Special Considerations:***

In reading the Rule, an important distinction must be made between the words “shall” and “should.” When the word “shall” is used, the requirement is mandatory – e.g., “The risk assessment *shall* include: A description of the type, location, and extent of all natural hazards that can affect the jurisdiction.” If the plan does not include this description, it

will not be approvable by FEMA. It should also be noted that the word “must” carries the same mandatory nature as the word “shall.” For example, “The plan *must* be ... resubmitted for approval to the appropriate Regional Director every three years.” This is a mandatory requirement.

When the word “should” is used, the item is strongly recommended to be included in the plan, but its absence will not cause FEMA to disapprove the plan. For example, where the Rule says, “The plan *should* describe vulnerability in terms of ... the types and numbers of existing and future buildings ...” this information would make the plan more useful, but the plan could still be approved if it is not included (assuming the plan met all the mandatory requirements).

The use of the words “should,” “shall,” and “must” in this *Multi-Hazard Mitigation Planning Guidance* is consistent with the use of those words in the Rule. In the Plan Review Crosswalks found in Section 4, the “should” requirements are shaded, as a reminder that they are not required for plan approval.

To help States, Tribes, and local governments better understand the Rule and meet the new DMA 2000 planning requirements, FEMA has prepared this document, *Multi-Hazard Mitigation Planning Guidance Under the Disaster Mitigation Act of 2000 (Multi-Hazard Mitigation Planning Guidance)*. It was designed with two major objectives:

- To help Federal and State reviewers evaluate mitigation plans from different jurisdictions in a fair and consistent manner; and
- To help States, Tribes, and local jurisdictions develop new mitigation plans or modify existing ones in accordance with the requirements of the Rule.

The *Multi-Hazard Mitigation Planning Guidance* includes references to specific language in the Rule, descriptions of the relevant requirements, and sample plan text to illustrate distinctions between plan approaches that would and would not meet DMA 2000 requirements. In addition, this document provides references to a number of planning tools that FEMA has made available to assist States, Tribes, and localities in developing a comprehensive, multi-hazard approach to mitigation planning, and in preparing plans that will meet the DMA 2000 requirements. These tools include:

- *State and Local Mitigation Planning How-to Guides* – intended to help States and communities plan and implement practical, meaningful hazard mitigation actions (FEMA 386-1 to FEMA 386-4, and FEMA 386-7);
- *Planning for a Sustainable Future* (FEMA 364) and *Rebuilding for a More Sustainable Future* (FEMA 365) – two related volumes that provide guidance for integrating sustainable practices as part of pre-

and post-disaster mitigation planning efforts;

- *Multi-Hazard Identification and Risk Assessment*, available on the FEMA Web site at [http://www.fema.gov/fhm/ft\\_mhira.shtml](http://www.fema.gov/fhm/ft_mhira.shtml);
- *FEMA Mitigation Resources for Success* (FEMA 372) – a compact disc (CD) with a compendium of FEMA resources related to mitigation practices and projects; and
- *Mitigation Benefit Cost Analysis (BCA) Toolkit Compact Disc* – this CD includes all the FEMA BCA software, technical manuals, BCA training course documentation, and other supporting material and BCA guidance. Copies can be obtained by calling FEMA's toll-free BC Hotline at 866-222-3580.

These publications, with the exception of the BCA Toolkit CD, can be ordered through the FEMA Publications Warehouse at 800-480-2520.

FEMA recently made available HAZUS-MH (Hazards U.S. – Multi-Hazard), a risk assessment software program. For more information, go to [www.fema.gov/HAZUS/](http://www.fema.gov/HAZUS/).

In addition, FEMA has developed the DMA 2000 Mitigation Planning Workshop for Local Governments (G318), based on the *Multi-Hazard Mitigation Planning Guidance* and the reference material described above. You can obtain information on this course from your FEMA Regional Office.

**Special  
Considerations:**

It should be noted that DMA 2000 specifically requires mitigation planning for *natural hazards*, but not for manmade hazards. However, FEMA supports those jurisdictions that choose to consider *technological and manmade hazards* in their respective mitigation plans. While it is true that a State, Tribal, or Local Mitigation Plan can be approved under the Act without consideration of these hazards, the *Multi-Hazard Mitigation Planning Guidance* can be helpful in developing and evaluating plans that include these hazards as part of a comprehensive hazard mitigation strategy. For more information on integrating technological and manmade hazards in mitigation plans, please see: *Integrating Manmade Hazards into Mitigation Planning* (FEMA 386-7) and visit FEMA's antiterrorism Web site at [www.fema.gov/fima/antiterrorism](http://www.fema.gov/fima/antiterrorism).

### DMA 2000 MITIGATION PLANNING PROVISIONS

As a result of FEMA's previous mitigation planning requirements, such as State planning under Section 409 of the Stafford Act, and plan requirements associated with the Flood Mitigation Assistance (FMA) Program of the National Flood Insurance Program (NFIP), States and many communities have developed hazard mitigation plans. The most successful of these plans—where practical, meaningful mitigation actions have been the result—have two common elements:

- Comprehensive risk and capability assessments that form a solid foundation for decision making; and
- Input from a wide range of stakeholders who would play a role during implementation of recommended mitigation actions at the Federal, State, and local levels.

Accordingly, the Disaster Mitigation Act of 2000 emphasizes greater interaction between State and local mitigation planning activities, and highlights the need for improved linkage of hazard and capability analyses to State and local hazard mitigation strategies. At the same time, FEMA has a continuing interest in streamlining the mitigation planning and implementation process. The implementation of planned, pre-identified, cost-effective mitigation actions based on a sound hazard identification and assessment of risk will make a major contribution to such streamlining.

The DMA 2000 mitigation planning provisions, along with other sections of the Act, provide a significant opportunity to reduce the Nation's disaster losses. The language in the Act, taken as a whole, emphasizes the importance of strong State, Tribal, and local planning processes, and comprehensive mitigation program management at the State level. FEMA strongly believes that with hazard mitigation planning, as with most other planning efforts, the actual process of planning is as important as the resultant plan. Therefore, we consider the plan as the written record, or documentation, of the planning process. This is why some of the plan requirements ask for a "discussion" or "description" of a process or development of a planning product (such as goals, or hazard identification).

To emphasize the importance of the process, we have taken, to the extent possible, a "performance standard," rather than a "prescriptive" approach to the planning requirements. This means that the requirements are designed to identify, generally, *what* should be done in the process and documented in the plan, rather than specify exactly *how* it should be done. This approach recognizes and appreciates the inherent differences that exist among State, Tribal, and local governments with respect to size, resources, capability, and vulnerability.

Specifically, DMA 2000 enacted the following provisions relative to mitigation planning:

- **Standard State Mitigation Plans** (§201.4 of the Rule): States with an approved Standard State Mitigation Plan will qualify for HMGP funding based on 7.5% of the total estimated eligible Stafford Act disaster assistance. Generally, States are required to coordinate mitigation planning with Tribal and local jurisdictions, and document funding and technical assistance they will provide to these jurisdictions. More specifically, §201.4 requires that plans meet the following basic requirements to receive approval:
  - ✓ describe how the State coordinates with local mitigation planning efforts;
  - ✓ develop a mitigation strategy based on local and State vulnerability analyses and risk assessments;
  - ✓ describe how the State provides funding or technical assistance to local governments;
  - ✓ discuss how the State prioritizes jurisdictions that will receive mitigation planning and project grants and other State assistance; and
  - ✓ establish a plan maintenance process.
- **Enhanced State Mitigation Plans** (§201.5 of the Rule): States that have an approved Enhanced State Mitigation Plan at the time of a disaster declaration will qualify to receive HMGP funds based on up to 20% of the total estimated eligible Stafford Act disaster assistance. Specifically, §201.5 requires that Enhanced Plans meet all the requirements of the Standard Plan and in addition:
  - ✓ demonstrate a broad, programmatic mitigation approach; and
  - ✓ demonstrate a systematic and effective administration and implementation of existing mitigation programs.
- **Local Mitigation Plans** (§201.6 of the Rule): Local jurisdictions must also demonstrate that proposed mitigation actions are based on a sound planning process that accounts for the inherent risk and capabilities of the individual communities.
- **Tribal Mitigation Plans:** Tribal governments will have the opportunity to fulfill the planning requirements either as a grantee (using the State planning requirements) or as a subgrantee (using the local planning requirements).
- **Funding for Plan Development:** DMA 2000 authorizes up to 7% of available HMGP funds for State, Tribal, or local planning purposes.

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Also, funds from the Pre-Disaster Mitigation (PDM) program may be used to develop mitigation plans, and the FMA program provides annual grant funds for flood mitigation planning. Other agencies have funding available that may be used for hazard mitigation planning. For example, the National Oceanic and Atmospheric Administration's Coastal Zone Management (CZM) Program has funded coastal hazard mitigation activities, including planning.

- **Deadlines and Requirements for Regular Plan Reviews and Updates:** In order to receive a FEMA PDM **project** grant, Tribal (subgrantee) and local governments must have a FEMA-approved mitigation plan. Tribal (subgrantee) and local governments must have a FEMA-approved mitigation plan in order to receive HMGP **project** funding for disasters declared on or after November 1, 2004. States and Tribes (grantee) must have a FEMA-approved Standard or Enhanced Mitigation Plan in order to receive non-emergency Stafford Act assistance (i.e., Public Assistance categories C-G, HMGP, and Fire Management Assistance Grants) for disasters declared on or after November 1, 2004. State mitigation plans must be reviewed and reapproved by FEMA every three years. Local Mitigation Plans must be reviewed and reapproved by FEMA every five years.

### USING THE *MULTI-HAZARD MITIGATION PLANNING GUIDANCE*

#### **Organization of the Multi-Hazard Mitigation Planning Guidance**

The *Multi-Hazard Mitigation Planning Guidance* is divided into four sections following this Introduction. Parts 1, 2, and 3 address the requirements for the Standard State, Enhanced State, and Local Plans, respectively. These sections contain the language of the Rule, an explanation clarifying the intent of the Rule requirements, excerpts of plans to illustrate application of the requirements, and references to a series of resources that address particular planning issues in more detail. Section 4 contains Plan Review Crosswalks for scoring each of these three types of plans.

The Rule is as published at 44 CFR 201. Language in brackets does not appear in the Rule, but has been added to provide the proper context. For example: *[The plan must include] a description of the planning process*. An ellipsis has been used to indicate that other phrases precede or follow the requirement language. For example: *... using maps where appropriate*.

#### **Plan Evaluation Methodology**

The *Multi-Hazard Mitigation Planning Guidance* outlines a process for the review of State and Local Mitigation Plans based on the requirements described in the Rule. The Plan Review Crosswalks in Section 4 of this document are important tools in both the review and development of complete plans, as they mirror the requirements in the Rule. Standard State Plans must meet the prerequisites and receive a score of “Satisfactory” for each requirement for the plan to be approved. To be approved as an Enhanced State Plan, a score of “Satisfactory” must be attained for all Standard and Enhanced requirements. Local Plans must be submitted to the State Hazard Mitigation Officer for initial review and coordination, before submittal to the appropriate FEMA Regional Office for formal review and approval. Local Plans must also receive a score of “Satisfactory” for all requirements to be approved.

Except for prerequisites that must be met before the plan can be approved, the reviewer must score requirements based on the following scoring system:

- N Needs Improvement:** The plan does not meet the minimum for the requirement. Reviewer’s comments must be provided.
- S Satisfactory:** The plan meets the minimum for the requirement. Reviewer’s comments are encouraged, but not required.

The final, completed Plan Review Crosswalk provides the State, Tribe, or local jurisdiction with:

- a score for each requirement;
- reviewer comments for requirements that need improvement; and

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- a determination of whether the plan is approved by FEMA (and the State, if a Local Plan).

***Special  
Considerations:***

When reviewing plans, the evaluator may find it helpful to first read the plan and identify the appropriate sections that correspond to the Rule's requirements. The Plan Review Crosswalks include a column (second from left), "Location in the Plan," that the State, Tribe, or jurisdiction submitting the plan can complete to assist reviewers in determining where in the plan the requirements are addressed.

***Special  
Considerations:***

With the concurrence of FEMA Regions, States can insert additional State planning requirements, tailoring *Part 3 – Local Mitigation Plans* of the *Multi-Hazard Mitigation Planning Guidance* to account for State-specific requirements.



### PLAN SUBMITTAL AND REVIEW PROCEDURES

#### ***Plan Submittal Procedures***

##### State Plans

FEMA Regional Offices will work with their States to identify procedures and schedules that will facilitate State plan review and approval. The following *recommended* approaches may be helpful:

- The State may share drafts of the entire plan, or at least the results of the risk assessment (because of the importance of the risk assessment to the quality of the overall plan), with FEMA well in advance of finalizing the plan. Early FEMA feedback will let the State know either that it is on the right track, that additional material needs to be added, or that major revisions need to be made in time to develop and submit an approvable plan by established deadlines.
- The State is strongly encouraged to submit a final draft to FEMA for review **before** seeking formal adoption of the plan by the appropriate officials, agencies, or organizations. If the plan meets all the requirements (except the formal adoption), the State can then proceed with the adoption process, knowing the plan will be approved. If there are deficiencies in the plan, the responsible parties will be able to address them before taking the plan through adoption, and avoid the potentially awkward situation of having an adopted plan rejected.
- Once the State obtains FEMA approval of the final draft, it can then proceed with formal adoption, and submit the adopted plan to FEMA for formal approval.
- States should consult with their FEMA Regional Office early enough to ensure that they will be able to obtain FEMA review and approval of their plans in time to meet established deadlines.

##### Local Plans

The Rule requires that Local Plans be submitted to the State Hazard Mitigation Officer for initial review and coordination, with the State then forwarding the plans to FEMA for formal review and approval. The following *recommended* approaches may be helpful:

- States and communities should coordinate with each other to identify procedures and schedules that will facilitate State support of local planning efforts and initial review of Local Plans.
- Local jurisdictions may share drafts of their entire plan, or at least the results of the risk assessment (because of the importance of the risk assessment to the quality of the overall plan), with the State well in advance of finalizing the plan. Early feedback from the State will let the jurisdiction know that it is on the right track, that additional material needs to be added, or that major revisions need to be made

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in time to develop and submit an approvable plan by established deadlines.

- Local jurisdictions are strongly encouraged to submit a final draft to the State and FEMA for review **before** seeking formal adoption of the plan by the appropriate officials, agencies, or organizations. If the plan meets all the requirements (except the formal adoption), they can then proceed with the adoption process, knowing the plan will be approved. If there are deficiencies in the plan, the responsible parties will be able to address them before taking the plan through adoption, and avoid the potentially awkward situation of having an adopted plan rejected.
- Once FEMA approves the final draft of the plan, the local jurisdiction can then proceed with formal adoption, and submit the adopted plan to FEMA for formal approval.
- Local jurisdictions should consult with their State Hazard Mitigation Officer early enough to ensure that they will be able to obtain FEMA review and approval of their plans in time to meet established deadlines.

### Tribal Plans

FEMA Regional Offices will work with Tribes that are developing State level (grantee) plans in the same way they work with States. These plans would be submitted directly to FEMA for review. Tribes developing local level (subgrantee) plans will work with the State. Depending on which type of plan a Tribe is developing, the recommended approaches above for either State or Local Plans would also be helpful for Tribes.

### ***Timeframe for Review***

Once a final plan is submitted, the FEMA Regional Office will complete the review within 45 days from the day it is received, *whenever possible*. In the event that the plan is not approved, the Regional Office will provide comments on the areas that need improvement.

### ***Plan Updates***

States should note that §201.4(d) and §201.5(c)(2), respectively, require that Standard and Enhanced State Plans be updated and resubmitted every three years. For Local Plans, the resubmittal period is every five years, per §201.6(d)(3). States should develop a schedule that allows for the plan update and approval process to occur within three years from the last approval date. Local jurisdictions should develop a schedule that allows a plan update and approval to occur within five years from the last approval date. Tribal plans developed as State level plans will have a three-year update schedule; Tribal plans developed as local level plans will follow the five-year update schedule. It should be noted that States could choose to establish a schedule for more frequent Local Plan updates.

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***Special  
Considerations:***

FEMA no longer requires States to revise their mitigation plan after every disaster declaration, as it did under former section 409 of the Stafford Act. We do, however, recommend that States consider updating their plans whenever a disaster or other circumstances significantly affect its mitigation priorities. Additionally, because the State Administrative Plan required under the HMGP (44 CFR 206.437) must be updated for each new disaster, States may prefer to maintain it separately from the mitigation plan. The Administrative Plan could reference the mitigation priorities identified in the mitigation plan, in order to satisfy the Administrative Plan requirement to establish priorities for the selection of mitigation projects.

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